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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,831	10/10/2000	Brian M. Boling	52078.P6	2156

408 7590 02/13/2004

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EXAMINER	
EWART, JAMES D	

ART UNIT	PAPER NUMBER
2683	5

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/684,831	BOLING ET AL.	
	Examiner	Art Unit	
	James D Ewart	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *15* is/are allowed.

6)☒ Claim(s) *1-14 and 16-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Double Patenting

1. Claims 1-14 and 16-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,226,510. Although the conflicting claims are not identical, they are not patentably distinct from each other because the patent discloses a single button that activates a call to a private emergency service and then automatically establishes communication with a public emergency response service whereas application 09684831 has two buttons, one for calling the private emergency response service and the other for calling the public emergency response service.

Allowable Subject Matter

2. Claim 15 is allowed. Reason for allowability for the independent claim 15 is discussed below.

Referring to claim 15, the references sited do not teach an emergency cellular telephone for establishing communication with multiple emergency response services, comprising: a handheld housing; a cellular transmitter disposed within the housing for transmitting only first and second outgoing cellular signals, the first outgoing cellular signal for establishing a first communication session with a public emergency response service and the second outgoing cellular signal for establishing a second communication session with a private emergency response service; a cellular receiver disposed within the housing for receiving only first and second incoming cellular signals, the first incoming cellular signal received from the public emergency response service during the first communication session, and the second incoming cellular signal received from the private emergency response service during the second

communication session; a memory device disposed within the housing for storing a first emergency telephone number associated with the public emergency response service, and a second emergency telephone number associated with the private emergency response service; a microprocessor disposed within the housing for controlling the cellular receiver based on execution of a first or second set of operational instructions; a power supply disposed within the housing for supplying electrical power for the telephone; a first activation button attached to the housing that, if pressed a first time when the telephone is in an off mode, causes the electrical power from the power supply to be provided to the cellular transmitter, the cellular receiver, and the microprocessor, initiates the microprocessor to begin executing the first set of operational instructions, initiates activation of the cellular receiver to search for an available cellular system channel, and initiates activation of the cellular transmitter to transmit the first outgoing cellular signal to establish communication with the public emergency response service, thereby simplifying communication with the public emergency response service in a stressful situation; a second activation button attached to the housing that, if pressed a first time when the telephone is in the off mode, causes the electrical power from the power supply to be provided to the cellular transmitter, the cellular receiver, and the microprocessor, initiates the microprocessor to begin executing the second set of operational instructions, initiates activation of the cellular receiver to search for an available cellular system channel, and initiates activation of the cellular transmitter to transmit the second outgoing cellular signal to establish communication with the private emergency response service, thereby simplifying communication with the private emergency response service in a stressful situation; the cellular receiver further for scanning for a strongest cellular signal from among available cellular system channels based on the first set of operational

instructions executed by the microprocessor when the first activation button is pressed, and for scanning for a strongest cellular signal from among available cellular system channels based on the second set of operational instructions executed by the microprocessor when the second activation button is pressed; the microprocessor further for accessing the first emergency telephone number from the memory device and for activating the cellular transmitter when the first activation button is pressed the first time and a signal strength of the strongest signal is greater than a minimum threshold; the microprocessor further for accessing the second emergency telephone number from the memory device and for activating the cellular transmitter when the second activation button is pressed the first time and the signal strength of the strongest signal is greater than the minimum threshold; the cellular transmitter further for transmitting the first outgoing cellular signal when activated by the microprocessor to attempt to establish the first communication session with the public emergency response service associated with the first emergency telephone number, and for transmitting the second outgoing cellular signal when activated by the microprocessor to attempt to establish the second communication with the private emergency response service associated with the second emergency telephone number; the cellular transmitter further operable to transmit the first outgoing cellular signal to establish the first communication session regardless of whether the telephone had last established a first communication session or a second communication session, and operable **to transmit the second outgoing cellular signal to establish the second communication session regardless of whether the telephone had last established a first communication session or a second communication session; the first activation button further for causing the emergency cellular telephone to terminate communication with the public emergency response service**

when the first activation button is pressed a second time that is subsequent to the first time; and the second activation button further for causing the emergency cellular telephone to terminate communication with the private emergency response service when the second activation button is pressed a second time that is subsequent to the first time.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bogusz et al U.S. Patent No. 5,203,009 discloses radio transceiver having fixed calling capacity.

Boling et al. U.S. Patent No. 6,226,510 discloses emergency phone for automatically summoning multiple emergency response services.

Kroll et al U.S. Patent No. 6,580,908 discloses generic number cellular telephone.

Mcmonagle, Jr. et al. U.S. Patent No. 5,475,751 discloses remotely programmable, vandal-resistant voice communications unit.

Saegusa U.S. Patent No. 6,198,914 discloses emergency call system.

Whitehead U.S. Patent No. 6,035,201 discloses radio telephone channel selection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D Ewart whose telephone number is (703) 305-4826. The examiner can normally be reached on M-F 7am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703)308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Ewart
February 5, 2004

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600